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EXAMINER

SWIATEK, ROBERT P

ART UNIT

PAPER NUMBER

3643

MAIL DATE

DELIVERY MODE

05/12/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/538,446

Applicant(s)

ROQUES ET AL.

Examiner

Rob Swiatek

Art Unit

3643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 15-21 is/are rejected.
- 7) ☒ Claim(s) 5-14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 June 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date 9-19-2005
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4, 16, 18-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Pittman (US 2003/0052227 A1: Ref. C on Information Disclosure Statement). The Pittman protective shield 32 includes an inset trapdoor 36 having protective deadbolts 68 extending therefrom for securing it within shield 32. One of the deadbolts 68 is considered to constitute a locking/unlocking mechanism while, with respect to instant claim 16, the other is deemed to be a retaining means. Trapdoor 36 has a series of louvered vents on its exterior surfaces (see Figures 5a, 5b of Pittman), with the left-hand and right-hand sides of door 36 constituting a secondary trapdoor. Membrane 50 of Pittman defines an enclosed chamber such that a first end 54 of membrane 50 is secured to an inside, second surface of the secondary trapdoor and a second end 52 secured to an inside, first surface of the secondary trapdoor. The second surface is subjected to cabin pressure due to the presence of the vents. When an inner membrane 56 of the diaphragm 50 is moved by differential air pressure toward the cockpit, the diaphragm's contained inert gas is pressurized, causing the gas to be routed into a means of transmission 64, which acts to withdraw the deadbolt 68 from its position within shield 32 and permit the trapdoor

36 to rotate downwardly to the floor. The thus-revealed opening is considered to be large enough to enable evacuation of at least some personnel therethrough; additionally, the material comprising the trapdoor is deemed to be bulletproof (see paragraph 0078 of Pittman). Levers 40 allow manual release of the trapdoor 36 by operators on the flight deck.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pittman in view of McAfee et al. (US 2,763,900). The Pittman trapdoor 36 lacks pivot hooks, employing bottom edge hinges 38. However, it would have been obvious to one skilled in the art to substitute the pivot hooks 2, 20 of McAfee et al. for the hinges 38 of Pittman, in order to achieve the predictable result of improving support for the door in its opened position.

Claims 17, 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 17, line 2, "the retaining means" lacks a prior antecedent basis; in claim 21, lines 2, 3, "a door (8) with a cockpit side (8a) and a cabin side (8b)" already has been recited in parent claim 1.

Claims 1-21 are objected to because of the following informalities: In claim 1, lines 5, 7, the words –at least one– should be inserted before each occurrence of "trapdoor" (the same change should be made, where necessary, in subsequent claims); in claim 5, line 3, each occurrence of "connected hinged" should be changed to –hingedly connected–; in claim 6, lines

4, 6, each occurrence of “connected hinged” should be changed to –hingedly connected–, in line 7, “connected fixed” should be changed to –fixedly connected–; in claim 9, line 3, “(30)” should be changed to –(30)–; in claim 15, line 3, –is– should be inserted after “it.” Appropriate correction is required.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “at least one ball pusher” of claim 17 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The abstract of the disclosure is objected to because in line 1, "The invention related to a" should be changed to –A–. Correction is required. See MPEP § 608.01(b).

Claims 5-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 17 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The patents to Cerne (US 4,042,193) and Movsesian et al. (US 6,702,230) have been cited to provide additional examples of aircraft door assemblies.

/Rob Swiatek/

Primary Examiner, Art Unit 3643

Ph.: 571/272-6894
1 May 2008